

# **STATUTORY INSTRUMENTS AMENDMENT REGULATION (NO. 1) 2016**

Explanatory notes for SL 2016 No. 134

made under the

*Statutory Instruments Act 1992*

## **General Outline**

### **Short title**

*Statutory Instruments Amendment Regulation (No. 1) 2016*

### **Authorising law**

Sections 56, 56A and 59 of the *Statutory Instruments Act 1992*

### **Policy objectives and the reasons for them**

Part 7 of the *Statutory Instruments Act 1992* (the Act) is designed to require regular review of Queensland's subordinate legislation by causing most subordinate legislation to automatically expire on 1 September first occurring after the tenth anniversary of the day of its making.

Section 56 of the Act allows a regulation to be made to exempt uniform subordinate legislation from expiry for a stated period of not more than five years after the uniform subordinate legislation would otherwise expire.

Section 56A(1) of the Act allows a regulation to be made to exempt subordinate legislation from expiry for one year on the following grounds:

- replacement subordinate legislation is being drafted and is proposed to be made before the stated period ends;
- the subordinate legislation is not proposed to be replaced or preserved when it expires at the end of the stated period; or
- the Act or provision under which or in relation to which the subordinate legislation or part of the subordinate legislation is made or preserved is subject to review.

Subordinate legislation may also be further extended for a period of not more than one year under section 56A(2) if the Act or provision under which or in relation to which the subordinate legislation or part of the subordinate legislation is made or preserved is subject to review.

The *Statutory Instruments Amendment Regulation (No. 1) 2016* (the Regulation) ensures that subordinate legislation may be exempted from expiry or further exempted from expiry where appropriate grounds exist under sections 56 and 56A of the Act.

## **Achievement of policy objectives**

The policy objective to encourage regular review of Queensland's subordinate legislation is achieved by requesting Government departments to assess the relevancy of expiring subordinate legislation, and consider the necessity of reviewing the relevant parent Act. As a result of this process, it is recommended to amend the *Statutory Instruments Regulation 2012* to exempt:

- 11 items of subordinate legislation for a period of one year on the grounds that replacement subordinate legislation is being drafted and is proposed to be made before the stated period ends;
- nine items of subordinate legislation for a period of one year on the grounds that the Act or provision under which or in relation to which the subordinate legislation or part of the subordinate legislation is made or preserved is subject to review;
- two items of uniform subordinate legislation for a period of five years; and
- 45 items of subordinate legislation for a further period of one year on the grounds that the Act or provision under which or in relation to which the subordinate legislation or part of the subordinate legislation is made or preserved is subject to review.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the main objects of the Act.

## **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other relevant legislation.

## **Benefits and costs of implementation**

There are no costs to Government in implementing the Regulation.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with fundamental legislative principles as set out in the *Legislative Standards Act 1992*.

## **Consultation**

As part of the standard annual review process, all Government departments were consulted and support the making of the Regulation with respect to the list of subordinate legislation that is exempt from expiry or further exempt from expiry under section 56 and 56A of the Act. The Queensland Productivity Commission was consulted and confirmed that the Regulation is excluded from the Regulatory Impact Statement system.